

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

**FILED**

**APR 13 2006**

*Phil Lombardi, Clerk*  
U.S. DISTRICT COURT

STATE OF OKLAHOMA ex rel, )  
Drew Edmondson, et al., )

Plaintiff, )

vs. )

No. 05-CV-0329-JOE-SAJ

TYSON FOODS, INC., et. al., )

Defendants and Third Party Plaintiffs, )

v. )

CITY OF TAHLEQUAH, et al., )

Third Party Defendants. )

**ANSWER OF THIRD PARTY DEFENDANTS,  
RAY DEAN DOYLE AND DONNA DOYLE  
TO THIRD PARTY COMPLAINT**

Comes now Ray Dean Doyle and Donna Doyle, (hereinafter referred to as "Doyle") of Stilwell, Adair County, Oklahoma, and for their Answer to the Third Party Complaint of Tyson Foods, Inc., Tyson Poultry, Inc. Tyson Chicken, Inc., Cobb-Vantress, Inc., Peterson Farms, Inc., Simmons Foods, Inc., George's, Inc., George's Farms, Inc., and Willow Brook Foods, Inc., (collectively referred to hereinafter as Third Party Plaintiffs) alleges and states:

## **I. BACKGROUND**

1. Third Party Defendants, Doyle, allege and state that they are without sufficient knowledge or information with which to admit the allegations contained in the Third Party Complaint paragraphs 1 through 9, and therefore denies the same and demands strict proof thereof.

## **II. PARTIES**

2. Third Party Defendants Doyle do not have sufficient knowledge or information with which to admit the allegations contained in the Third Party Complaint, paragraphs 10 through 18, and therefore denies the same and demands strict proof thereof.

## **III. THIRD PARTY DEFENDANTS**

3. Third Party Defendants are without sufficient knowledge or information to admit the allegations of Third Party Complaint paragraphs 19 through 170, except paragraph 122, and therefore denies all such allegations and demands strict proof thereof. That as to paragraph 122, Third Party Defendants Doyle admit they operate Doyle Dairy in Adair County, Oklahoma, under supervision of an din compliance with Oklahoma Department of Agriculture License No. 320-000 and Environmental Protection Agency License No. OKG010211; that they deny specifically manure from livestock is releasing phosphorus or other constituents into the IRW and demand strict proof thereof. It is specifically denied Third Party Plaintiffs are entitled to contribution or indemnity.

#### **IV. JURISDICTION AND VENUE**

4. Third Party Defendants Doyle deny jurisdiction and venue. Specifically, jurisdiction and venue, if any, lies within the United States District Court for the Eastern District of Oklahoma. Specifically, it is further denied that Third Party Defendants have engaged in any activities within the jurisdiction of the United States District Court for the Northern District of Oklahoma for which it would be liable.

#### **V. STATEMENTS OF FACT**

##### **A. The Underlying Lawsuit**

5. Third Party Defendants Doyle are without sufficient knowledge or information to admit to the allegations of the Third Party Complaint under paragraphs 174 through 195 and therefore denies each and every allegation and demands strict proof thereof.

##### **B. General Allegations Regarding Third Party Defendants**

6. Third Party Defendants Doyle specifically deny the allegations of the Third Party Complaint paragraphs 196 through 221, inclusive, and demands strict proof thereof.

#### **AFFIRMATIVE DEFENSES**

7. Third Party Defendant for affirmative defenses alleges, to-wit:
- a. failure to state claim upon which relief can be granted;
  - b. lack of standing;
  - c. legal and equitable estoppel;

- d. lack of venue; and
- e. lack of causation.

**WHEREFORE**, Third Party Defendants, Ray Dean Doyle and Donna Doyle, pray that the Third Party Plaintiffs, Tyson Foods, Inc., Tyson Poultry, Inc. Tyson Chicken, Inc., Cobb-Vantress, Inc., Peterson Farms, Inc., Simmons Foods, Inc., George's, Inc., George's Farms, Inc., and Willow Brook Foods, Inc. take nothing by their Third Party Complaint and that this Third Party Defendant be discharged with his costs including a reasonable attorney fee, and such other relief as may be just and equitable.

Respectfully submitted,

RAY DEAN DOYLE and DONNA DOYLE,  
Third Party Defendants

BY:   
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CERTIFICATE OF MAILING

I hereby certify that on the 11th day of April, 2006, I mailed a true and correct copy of the above and foregoing instrument to the following with postage thereon fully prepaid, to-wit:

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